

**STATE OF GEORGIA;  
COUNTY OF FAYETTE**

**ORDINANCE NO. 2010 - 05**

AN ORDINANCE TO AMEND THE FAYETTE COUNTY CODE, AS AMENDED, SPECIFICALLY CHAPTER 8. DEVELOPMENT REGULATIONS SO AS TO ADD ARTICLE XIV. SUBDIVISION REGULATIONS AS SET FORTH HEREIN; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE AN EFFECTIVE DATE; TO PROVIDE FOR PENALTIES; AND FOR OTHER PURPOSES ALLOWED BY LAW.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS  
OF FAYETTE COUNTY AND IT IS HEREBY ORDAINED AS FOLLOWS:

**Section 1.** The Fayette County Code, as amended, is hereby further amended by adding Article XIV. Subdivision Regulations, in its entirety, to read as follows:

**ARTICLE XIV SUBDIVISION REGULATIONS**

**SUBDIVISION REGULATIONS**

**AN ORDINANCE SETTING FORTH REGULATIONS, SPECIFICATIONS, AND PROCEDURES GOVERNING THE PLATTING OF LAND WITHIN THE CORPORATE LIMITS OF FAYETTE COUNTY INTO SUBDIVISIONS; REQUIRING AND REGULATING THE PREPARATION AND PRESENTATION OF SUBDIVISION PLATS FOR SUCH PURPOSES; ESTABLISHING MINIMUM IMPROVEMENTS; DEFINING TERMS AND PROVIDING PENALTIES FOR VIOLATION THEREOF; AND FOR OTHER PURPOSES ALLOWED BY LAW.**

**Sec. 8-500. Declaration of Purpose.**

In Pursuance of authority conferred by Georgia Number 358, General Planning and Zoning Enabling Act of 1957, amended, the regulations, specifications and procedures for the subdivision and subsequent development of land and for the platting thereof, prescribed and adopted by this ordinance are hereby deemed by the Board of Commissioners to be desirable and necessary in order to help insure the public health, safety, morals, and general welfare by means of harmonious, orderly, and progressive development of land. Further, the purposes of the regulations of the subdivision of land are, among others:

- To encourage and ensure the development of economically sound and stable neighborhoods;
- To assure the adequate provision of required streets, utilities, and other facilities and services to new land developments;
- To assure the provisions of reasonably safe and convenient vehicular and pedestrian traffic access and circulation;
- To assure the provision of needed public open spaces and building sites in new land developments through the dedication or reservations of land for recreational, educational, and other public purposes;
- To assure land is developed with reasonable safeguards for environmental protection;

- To provide accurate, uniform records for identification and location of real estate boundaries; and
- To assure, in general, the wise development of new areas, in harmony with the Comprehensive Plan of Fayette County.

**Sec. 8-501. Definitions.**

For the purpose of this ordinance, the following words, terms, phrases, and their derivations shall have the meaning given in this section.

Words used in the present tense include the future tense. Words used in the singular number include the plural number and words used in the plural number include the singular. The word “shall” is always mandatory while the “may” is merely discretionary.

Words and terms not explicitly defined in this Ordinance shall have the meaning given by common and ordinary use as defined in Webster’s New Collegiate Dictionary. The following specific definitions shall apply:

**Board of Commissioners.** The Board of Commissioners of Fayette County, Georgia.

**County.** The County of Fayette, Georgia.

**County Engineer.** The official to whom the responsibilities normally associated with this title have been delegated.

**Comprehensive Plan.** The Comprehensive Plan for the County of Fayette, Georgia, approved by the Board of Commissioners and maintained by the Fayette County Planning and Zoning Department.

**Construction Plans.** Any plans required for the review, permitting and construction of a subdivision, including, but not limited to: Site; Grading; Street Profiles; Stormwater Management; Floodplain Management, Utility; Soil Erosion, Sediment, and Pollution Control; Soil Surveys; and Construction Details.

**Cul-de-sac.** A street, or segment of a street, with only one (1) way in or out and which terminates at a turn-around constructed in accordance with the Fayette County Development Regulations.

**Development.** A man-made change to improved or unimproved real estate, including, but not limited to any activity, action, or alteration that fundamentally alters the current use and/or density on the property and/or construction of buildings or other structures.

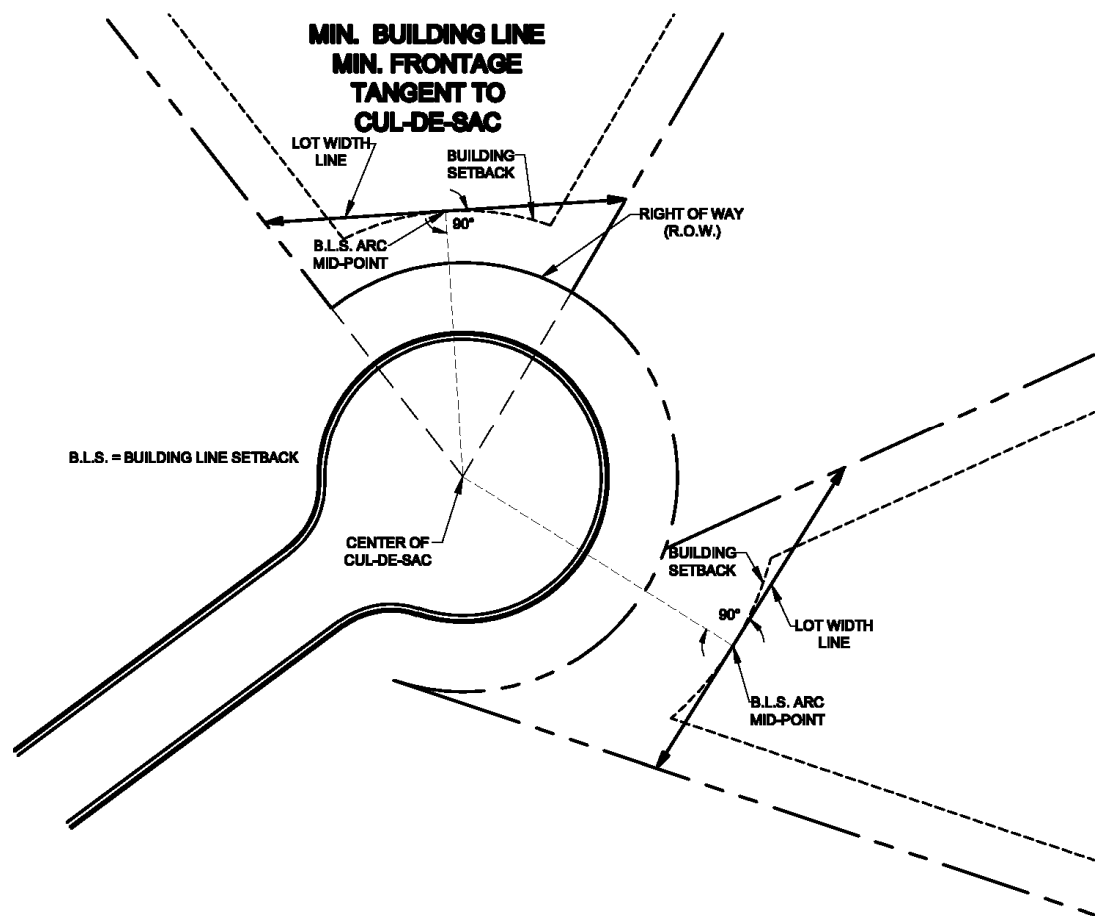
**Easement.** An interest in land granted by a land owner to another person, consisting of the right to use or control the land, or an area above or below it, for a specific limited purpose, such as to cross for access to a public road.

**Environmental Health County Manager.** The official responsible for all matters within the Subdivision Regulations pertaining to health regulations and who is the Director of the Fayette County Environmental Health Department.

**Fayette County Thoroughfare Plan.** The Thoroughfare Plan for the County of Fayette, Georgia, approved by the Board of Commissioners, indicating the designation of street type and is maintained by the Fayette County Planning and Zoning Department.

**Lot.** A tract of land of varying sizes which is designated as a single unit of property.

**Lot Width.** The minimum distance between side property lines either measured in a straight line parallel to the street right-of-way or a tangent and perpendicular to the mid-point of the arc in the case of the turn around portion of a cul-de-sac along the front minimum building line (see graphic below).



**Phase.** A portion or section of a larger development delineated on an approved, recorded Final Plat.

**Plat, Final.** All divisions of a tract of land into two (2) or more lots where the lots are less than five (5) acres in size and/or new streets are created.

**Plat, Minor Subdivision.** All divisions of a tract of land into two (2) or more lots where the lots are five (5) acres or greater in size and no new streets are created.

**Plat, Preliminary.** A conceptual subdivision plan required prior to a Final Plat where new streets are created.

**Planning Commission.** The Planning Commission of Fayette County, Georgia.

**Right-of-Way.** A strip of land, often of uniform width, that is owned by Fayette County and used, or may be used for transportation, utilities, or similar purposes.

**Street.** A public or private thoroughfare or road used for vehicular access to other streets and/or properties. Streets may be 1) owned and operated/maintained by Fayette County (i.e., those within a Public Right-of-Way); 2) privately owned but open for public use and maintained by Fayette County (i.e., those within a prescriptive easement); or 3) privately owned and maintained (i.e., a private road). Public streets are designated by type on the Fayette County Thoroughfare Plan.

**Subdivider.** Any person, firm, corporation, association or partnership or any agent thereof who undertakes or proposes to undertake the subdivision of land so as to create a subdivision as defined herein.

**Subdivisions.** All divisions of a tract of land into a minimum of two (2) or more lots.

**Technical Review Committee (TRC).** A committee of County Staff, in regards to the Subdivision Regulations, that performs monthly review of Preliminary and Final Plats, prior to approval by the Planning Commission.

**Tract.** A specified parcel of land.

**Utility.** Any service available to the public by means of an overhead or underground distribution and/or collection systems such as electricity, telephone, water, wastewater, stormwater, cable, natural gas, etc.

**Zoning Administrator.** The official to whom the responsibilities normally associated with this title have been delegated.

**Zoning Ordinance.** The Zoning Ordinance enacted by the Board of Commissioners of Fayette County, Georgia, which is maintained and implemented by the Fayette County Planning and Zoning Department.

**Sec. 8-502. General.**

- (a) **Zoning Ordinance.** No subdivision shall be approved which does not conform with the Zoning Ordinance applicable to the land for which it is proposed.
- (b) **Recordation of Final or Minor Subdivision Plats.** No Final Plat or Minor Subdivision Plat shall be recorded with the Clerk of Superior Court of Fayette County, Georgia, without said plat having first been submitted to and approved by the Planning Commission. The Secretary to the Planning Commission shall endorse the plat upon approval by the Planning Commission.

The Planning Commission approval is not required for a plat of subdivision where no new streets or roads are created or no new utility improvements are required or no new sanitary sewer or approval of a septic tank is required. Said plat shall contain a certification from the licensed surveyor that these provisions do not apply which shall entitle said plat to be recorded.

- (c) Unless noted otherwise, the County Engineer shall be responsible for the implementation of the Subdivision Regulations.

#### **Sec. 8-503. Approval of subdivisions.**

Subdivisions shall be reviewed and approved in stages as follows: Preliminary Plats, Construction Plans (see applicable Development Regulations), and Final Plats. The requirements of this section are administered by the Fayette County Zoning Administrator, unless indicated otherwise.

##### **(a) Preliminary Plat**

1. **Purpose.** The Preliminary Plat safeguards the Subdivider from unnecessary loss of time and expense in preparation of a subdivision plat that does not conform with specifications of the Subdivision Regulations Ordinance. The Preliminary Plat requires accuracy of scale and dimension. Public agencies having jurisdiction review the Preliminary Plat regarding matters within their jurisdiction. During the review process, the Subdivider or his agent may be called upon for clarification.

The Subdivider is ultimately responsible for compliance with all applicable statutes, ordinances, regulations, and rules. Approval of a Preliminary Plat shall not constitute a variance or authorization to violate any statute, ordinance, regulation, and/or rule.

2. **Preliminary Plat/Lot Layout.** The Subdivider shall submit to the Zoning Administrator for the Planning Commission a Preliminary Plat, with a completed application, (see Preliminary Plat Application under Forms at [www.fayettecountytga.gov](http://www.fayettecountytga.gov)) of the entire tract which will show the future street system and lot layout for the entire tract. The plat must also show future recreation areas and pedestrian circulation patterns. (Ordinance No. 2000-03)
3. **Street Name(s) and Subdivision Name Approval.** Prior to submittal of the Preliminary Plat, street name(s) (see Development Regulations, Article III.) and subdivision names shall be submitted to the Planning and Zoning Department. The Planning and Zoning Department shall forward said names to the Postmaster and 911 for approval. Approval by both parties is required. The Planning and Zoning Department shall reserve the names with the Postmaster and 911. The approved names shall be indicated on the Preliminary Plat.
4. **Filing the Preliminary Plat and Other Requirements.** Preliminary Plats shall be submitted to the Planning and Zoning Department. Preliminary Plats shall be reviewed and approved by the applicable County departments and the Technical Review Committee (TRC) prior to consideration by the Planning Commission.

The Preliminary Plat shall be prepared, signed, and sealed in accordance with these regulations and with applicable County specifications by a registered engineer, surveyor, and/or landscape architect who is licensed under the State of Georgia.

The Zoning Administrator shall have authority to reject the Preliminary Plat, if after study, he or she finds that it does not comply with these regulations. If rejected, the Zoning Administrator shall provide Subdividers with a written statement specifying all the respects in which the plat fails to comply. Subdividers shall have the right to appeal to the Planning Commission from such rejections.

5. **Approval by Individual Agencies.** The Preliminary Plat shall be reviewed at the TRC Meeting. The checklists/comments from the applicable department are due to the Planning and Zoning Department within three (3) calendar days after the TRC Meeting. Should the plat contain deficiencies and require corrections, said corrections shall be made by the design professional to satisfy all requirements of the Preliminary Plat, the corrected copies of the plat shall be submitted to the Planning and Zoning Department for distribution to the applicable departments. The applicable department shall have a maximum of 14 calendar days from each resubmittal date to review and submit the checklists/comments to the Planning and Zoning Department. The applicable departments shall recommend approval with or without conditions or shall require modification of the Preliminary Plat to the extent that each has jurisdiction.

No Preliminary Plat shall be placed on the Planning Commission Agenda until it has been reviewed by the TRC and approved by the Zoning Administrator and the applicable departments.

6. **Approval by Planning Commission.**
  - a. The Preliminary Plat shall be placed on the Planning Commission Agenda for consideration when the Preliminary Plat has been reviewed by TRC and approved by the Zoning Administrator and all of the applicable departments. The applicant shall be notified by mail of the date, time, and place of the public meeting.
  - b. The Planning Commission shall take action on Preliminary Plats in their regularly scheduled meetings. For revisions to a recorded plat that requires approval of a revised Preliminary Plat that substantially changes a street and/or utility layout shown on a recorded plat shall be afforded a public hearing on the new Preliminary Plat. The legal notice for which shall be advertised in at least one (1) of the newspaper in which is carried the legal advertisements of the County in such a manner as to give at least seven (7) calendar days notice of the public hearing from the date of issue.
  - c. The Planning Commission shall have 60 calendar days to act on a Preliminary Plat. The 60 calendar days begins upon approval by all of the appropriate departments. The Planning Commission may consider a Preliminary Plat at a Public Hearing or a Workshop/Public Meeting (a schedule of the Planning Commission's monthly meetings is available through the Planning and Zoning Department.) If approval of the Preliminary Plat is not recommended, the reasons therefore shall be supplied to the Subdivider. The approval of a Preliminary Plat by the Planning Commission shall not be deemed to constitute

an acceptance by Fayette County of any street or other real property shown upon the plat.

7. **Approval of Construction Plans.** Upon approval of the Preliminary Plat by the Planning Commission, construction plans shall be submitted to the Stormwater Management Department for distribution to the appropriate departments for approval. The plans must be prepared in accordance with the requirements of the Development Regulations. Permits for grading, road construction, and/or any minimal improvements shall not be given until the County Engineer, Stormwater Management Director, and the Fire Marshal have approved the construction plans as indicated by their signature and/or stamp. Construction Plans and applicable permits shall expire upon expiration of the Preliminary Plat.

Resubmitted Construction Plans, required as a result of an expired Preliminary Plat, shall be updated to comply with all applicable Federal, State, and Local regulations.

Any plans requiring approval by a State and/or Federal agency shall be submitted directly to said agency by the Subdivider.

8. **Expiration.** Preliminary Plats shall include the following statement: “Approval of this Preliminary Plat shall expire 24 months from the date of approval by the Planning Commission unless:
  - a) A Final Plat for at least one (1) phase has been approved; or
  - b) Street base construction for at least 50 percent of the total linear footage of all street(s) approved on the Preliminary Plat has been completed and inspected.”

Upon expiration of the Preliminary Plat, a new Preliminary Plat shall be submitted in accordance with all current regulations and requirements.

(b) **Final Plat or Minor Subdivision Plat**

1. **Conformance.** The Final Plat shall conform with the layout indicated on the Preliminary Plat. If desired by the Subdivider, the Final Plat may be developed and recorded in phases; provided that each phase conforms with all requirements of these regulations and the Development Regulations.
2. **Filing the Final Plat or Minor Subdivision Plat.** A Final Plat shall not be submitted for review until the minimum improvements are completed subject to the provisions herein. The Final Plat shall be submitted in accordance with the schedule of application deadlines and meeting dates, a copy of which is available in the Planning and Zoning Department. A Minor Subdivision Plat may be submitted at any time. The number of copies required of the Final Plat or Minor Subdivision Plat is available in the Planning and Zoning Department. The Zoning Administrator shall distribute copies of the Final Plat or Minor Subdivision Plat to the appropriate departments. The Final Plat or Minor Subdivision Plat shall be deemed filed when it has been submitted to the Planning and Zoning Department with a completed application (see Final Plat/Minor Subdivision Plat Application under Forms at [www.fayettecountyga.gov](http://www.fayettecountyga.gov)).
3. **Approval by Appropriate Departments.**

A Final Plat shall be reviewed by Technical Review Committee (TRC). A checklist of required information from the applicable department is due to the Planning and Zoning Department within three (3) calendar days after the TRC Meeting. Should the Final Plat require corrections, the corrected copies of the plat shall be submitted to the Planning and Zoning Department for distribution to the applicable departments. The applicable departments shall have a maximum of 14 calendar days from each resubmittal date to review and submit the checklists/comments to the Planning and Zoning Department.

A Minor Subdivision Plat shall be reviewed by the applicable departments which shall have a maximum of 14 calendar days from the submittal date for the review. Should the Minor Subdivision Plat require corrections, the corrected copies of the plat shall be submitted to the Planning and Zoning Department for distribution to the applicable departments. The applicable departments shall have a maximum of 14 calendar days from each resubmittal date to review and submit the checklists/comments to the Planning and Zoning Department.

When a corrected Final Plat or Minor Subdivision Plat is resubmitted, the applicable departments shall review the resubmitted Final Plat or Minor Subdivision Plat for compliance with all applicable statutes, codes, ordinances, and rules. The review of a resubmitted Final Plat or Minor Subdivision Plat shall not be limited to only those reasons identified from a previous review.

Once the corrected copies have been approved by all applicable departments, one (1) paper vellum or mylar shall be submitted to the Planning and Zoning Department. Each applicable department shall be notified that the paper vellum or mylar is available for review in the Planning and Zoning Department. The paper vellum or mylar shall be available in the Planning and Zoning Department for a total of 14 calendar days to be reviewed and/or signed by the applicable departments.

4. **Approval by the Planning Commission.**

- a. The Final Plat or Minor Subdivision Plat shall be placed on the Planning Commission Agenda for consideration when the Final Plat or Minor Subdivision Plat is approved by all of the appropriate departments. The applicant shall be notified by mail of the date, time, and place of the public meeting. No Final Plat or Minor Subdivision Plat shall be recorded with the Clerk of Superior Court of Fayette County, Georgia, without said plat having first been submitted to and approved by the Planning Commission.
- b. The Planning Commission shall have 60 calendar days to approve or deny a Final Plat or Minor Subdivision Plat. The 60 calendar days begins upon approval by all of the appropriate departments. The Planning Commission may consider a Final Plat or Minor Subdivision Plat at a Public Hearing or a Workshop/Public Meeting. If approval of the Final Plat or Minor Subdivision Plat is not recommended, the reasons therefore shall be supplied to the Subdivider.
- c. The Secretary to the Planning Commission shall endorse the Final Plat or Minor Subdivision Plat upon approval by the Planning Commission.



5. **Additional Requirements for Final Plat or Minor Subdivision Plat (if applicable) for approval prior to Recordations.** In addition to the above requirements, all documents, including, but not limited to: reports, environmental permits and/or variances (required for subdivision construction), bonds, Irrevocable Letters-of-Credit, as-built drawings, and stormwater operation and maintenance plans and agreements, referenced in the Development Regulations shall be submitted to the applicable departments.

One (1) digital copy of the approved Final Plat or Minor Subdivision Plat in a format that is compatible with Fayette County's Geographic Information System must be submitted to the Planning and Zoning Department for distribution to the appropriate departments. Submittal will not be accepted via an email.

6. **Final Plat or Minor Subdivision Plat Expiration.** A Final Plat or Minor Subdivision Plat shall expire 90 calendar days after the date of approval by the Planning Commission if the Final Plat or Minor Subdivision Plat has not been recorded by the Subdivider into the Fayette County Clerk of Superior Court records. Once a Final Plat or Minor Subdivision Plat has expired, it and any Maintenance Bond and/or Irrevocable Letter-of-Credit (see Section 8-508.) are void and a new Final Plat or Minor Subdivision Plat and Maintenance Bond and/or Irrevocable Letter-of-Credit shall be submitted. The fee for the review and approval process shall be 50 percent of the original Final Plat or Minor Subdivision Plat fee.

7. **Revision to a Recorded Final Plat.** A revision to a recorded Final Plat shall show the name, phase (if any), date of the recorded subdivision plat being revised, and the exact citation with regard to the Clerk of Superior Court records and the book and page number wherein said plat is recorded. See Section 8-504. for requirements to be indicated on the Revised Final Plat, as applicable. In addition, proposed revisions to a recorded Final Plat that substantially changes the street and/or utility layout, unless initiated by Fayette County, shall require a revised Preliminary Plat in accordance with Section 8-503. of these regulations.

Proposed revisions to a Recorded Final Plat of any existing residential or agricultural-residential subdivisions which add property to, increases the number of platted lots, or changes the principal use on a lot(s) will be considered in public hearings before the Planning Commission and the Board of Commissioners. The legal notice shall be advertised at least seven (7) calendar days prior to the public hearing before the Planning Commission, but not more than 45 calendar days, nor less than 15 calendar days prior to the public hearing before the Board of Commissioners. In the event that the time-frames above cannot be met with one (1) advertisement, the notice shall be published twice.

As applicable, a revised Final Plat shall comply with the revised Preliminary Plat and shall be approved by the Planning Commission.

8. **Revisions to a Recorded Minor Subdivision Plat.** A revision to a recorded Minor Subdivision Plat shall show the name, phase (if any), date of the recorded subdivision plat being revised, and the exact citation with regard to the Clerk of Superior Court records and the book and page number wherein said plat is recorded. See Section 8-504. for requirements to be indicated on the revised Minor Subdivision Plat, as applicable.

Proposed revisions to a Recorded Minor Subdivision Plat of any existing residential or agricultural-residential subdivisions which add property to, increases the number of

platted lots, or changes the principal use on a lot(s) will be considered in public hearings before the Planning Commission and the Board of Commissioners. The legal notice shall be advertised at least seven (7) calendar days prior to the public hearing before the Planning Commission, but not more than 45 calendar days, nor less than 15 calendar days prior to the public hearing before the Board of Commissioners. In the event that the time-frames above cannot be met with one (1) advertisement, the notice shall be published twice.

9. **Minor Revisions to a Recorded Final Plat or Minor Subdivision Plat.** A minor revision to a recorded Final Plat or Minor Subdivision Plat such as the combination of lots, minor shifts to lot lines, corrections of errors and/or establishment or modification of an easement that does not increase the number of lots, change the use, alter the road or utility layout, or change the outer boundary of the Final Plat or Minor Subdivision Plat will be reviewed by the Zoning Administrator. Based on the nature of the minor revision, the Zoning Administrator shall contact the applicable departments for their input. The signature of the Zoning Administrator and Environmental Health Specialist shall be required for approval of the minor revision prior to recording. See Section 8-504. for requirements to be indicated on the minor revision of a Final Plat or the minor revision of a Minor Subdivision Plat, as applicable.
10. **Requirements After the Recordation of an Approved Final Plat or Minor Subdivision Plat.** After the Final Plat or Minor Subdivision Plat has been recorded, no building permits shall be issued until the Subdivider has furnished the required number of recorded copies of the Final Plat or Minor Subdivision Plat and a recorded Warranty Deed for any right-of-way being donated to the County to the Planning and Zoning Department. The Planning and Zoning Department will be responsible for distributing the materials to the appropriate departments.
11. **Building Permit.** No permit for the construction of any building on any lot of a proposed subdivision or phase thereof shall be issued unless the Final Plat or Minor Subdivision Plat of the proposed subdivision has been recorded in the office of the Clerk of Superior Court of Fayette County, Georgia, and unless the Minimum Site Improvements, as prescribed in this Ordinance, have been made and such improvements have been inspected and approved by the applicable departments. Upon recordation of the Final Plat or Minor Subdivision Plat, the required number of recorded copies, a recorded copy of a Warranty Deed for any right-of-way dedicated to the County, and the digital media copy of the approved Final Plat or Minor Subdivision Plat shall be submitted to the Planning and Zoning Department prior to the issuance of any building permits. Lots within a nonresidential subdivision shall also require an approved Site Plan, as applicable, for the issuance of a building permit.

#### **Sec. 8-504. The Subdivision Plat.**

- (a) **The Preliminary Plat.** The Preliminary Plat shall contain all the following requirements and certification statements, and any additional information required to address any State and/or Federal requirements (see Preliminary Plat Checklist under Forms at [www.fayettecountyga.gov](http://www.fayettecountyga.gov)).

**The following shall be indicated on the Preliminary Plat:**

1. The title block shall state: "Preliminary Plat of ..... Subdivision", County, State, land lot(s), and district(s).
2. Name, address, telephone number, fax number of the engineer, surveyor, and/or landscape architect including seal, signature, and Georgia registration number.
3. Name, address, telephone number, fax number of the owner and/or developer.
4. Indicate date of plat preparation; provide scale of drawing (not to exceed 1 in. = 100 feet, stated and shown graphically).
5. Provide legend of all abbreviations.
6. Provide an index of sheets if more than one (1) sheet is provided.
7. Provide a north arrow (to state plane grid north) and vicinity map of such a scale that the subdivision may be readily located and identified within the County.
8. Show all land lot lines; land district lines; city and/or county boundaries intersecting or adjacent to the subject property.
9. Show exterior property lines with bearings and distances of subject property. Provide a matching Warranty Deed and legal description of property (if applicable.)
10. Provide zoning district and property owner(s) name and/or subdivision name of all adjacent properties.
11. Show location, purpose, and width of any easement of record. Provide a note if there are no existing easements associated with the property.
12. Within the general notes, indicate the zoning district; minimum lot size; front, side, and rear setbacks; minimum floor area; minimum lot width at the building line; total acreage of subject property; and total number of lots.
13. Provide rezoning information, including petition number, date of approval, and exact wording of any rezoning conditions (if applicable); and any approved variances including petition number and date of approval (if applicable.)
14. All applicable zoning regulations shall be indicated on the Preliminary Plat. Show front, side, and rear setback lines as dashed lines. Indicate minimum lot width at the front building line on each individual lot or in a legend.
15. Provide the area of each lot and contiguous area (if applicable, see Section 8-505.) to the 1/100<sup>th</sup> acre; label the lot numbers; and show the dimensions of all lot lines.
16. Indicate how lots will be served by water and sewage disposal. Indicate the proposed layout of waterlines, fire hydrants, and sewer lines (if applicable.) If County water is not available, indicate how subdivision will be served (i.e., individual well/septic tank.)

17. Indicate all existing structures and buildings and label as “to remain” or “to be removed”. Structures and buildings that will remain must be shown on individual lots and meet all applicable zoning requirements. Also indicate any improvements such as existing railroads, sewers, bridges, culverts, drain pipes, water mains, water wells, parks, public open spaces, etc. Provide a note if there are no existing structures, buildings, or improvements on the subject property.
18. Indicate the location of a cemetery (if applicable, see Fayette County Code, Chapter 12, Article VII. Cemeteries, Burial Grounds, Human Remains, and Burial Objects.)
19. The plat shall show all parcels of land to be dedicated to the County for public use.
20. Indicate the boundaries and enhancement areas for any proposed common areas including signage. Label as “Common Area – Not a Building Lot” and/or “Signage.”
21. Indicate the boundaries and area to 1/100<sup>th</sup> acre for any proposed Developed Residential Recreational/Amenity Areas. Label recreation areas “Not a Residential Building Lot, For Recreational Purposes Only.”
22. Show all existing and/or proposed streets on and/or adjacent to property. Label right-of-way widths. Label proposed street names. Provide right-of-way dedication, as needed.
23. Corner Lots – Fillet (20 foot radius) or chamfer corner property lines at street intersections.
24. Street Length – Indicate the length of each street in the subdivision.
25. Entrances – Subdivision entrances shall meet sight distance requirements and minimum distance between intersection requirements (both sides of street.) Provide appropriate data on the plat (Development Regulations – Article III.)
26. Indicate any proposed golf cart, bicycle, or pedestrian circulation systems, including sidewalks, crosswalks, multi-use paths, etc.
27. Show existing (dashed) and proposed (solid) contour at ten (10) two (2) foot intervals of elevation and be based upon North American Datum NAD 1983 State Plane Georgia West.
28. Delineate and label all state waters requiring watershed protection buffers and setbacks within the subdivision. Delineate and label all state waters adjacent to the subdivision where any watershed buffers and/or setbacks extend into the subdivision property. Provide a note if there are no state waters requiring a buffer. Label as “Watershed Protection Buffer,” and “Watershed Protection Setback.”

29. Show location of all specimen trees within 100 feet of the centerline of all right-of-ways, stormwater management structures, and utility and drainage easements.
30. Identify any specimen trees designated for removal. Include the tree size (DBH), species (common name) and justification for removal.
31. Delineate and label each drainage basin within the project boundaries. Provide drainage areas and existing and proposed CN values. Show offsite area and peak flow ( $Q_{10}$  and  $Q_{100}$ ) for drainage areas passing through site.
32. Delineate and label areas to be used for stormwater management consistent with the hydrologic data provided above. For each drainage basin, provide a narrative description of how water quality, stream channel protection, and flood protection criteria will be satisfied or why any exemptions may apply.
33. Delineate any base flood elevations as required in the Floodplain Management Ordinance. For any streams with 100 acres or greater drainage area provide the future-conditions flood elevations. Provide a note if there is no floodplain on the property. Reference the FIRM panel number and date.
34. Delineate any groundwater recharge areas as required in the Groundwater Area Protection Ordinance. Provide a note if there is no groundwater recharge areas on the property.
35. Delineate all jurisdictional wetlands. The wetland delineation shall be made following the procedures established by the U.S. Army Corps of Engineers.
36. Soils. The plat shall delineate the soil classifications in the areas of the property proposed for the placement of on-site sewage management systems. The soil classification work shall be done following the procedures for Level III soil surveys established in the Georgia Department of Human Resources' current *Manual for On-Site Sewage Management Systems*. The requirements for a Soil Classifier are located in said manual.
37. Statements and/or Certifications. Provide the following statements and/or certifications, if applicable:
  - a. "Approval of this Preliminary Plat shall expire 24 months from the date of approval by the Planning Commission unless a Final Plat for at least one (1) phase has been approved; or street base construction for at least 50 percent of the total linear footage of all street(s) approved on the Preliminary Plat ."
  - b. "This Preliminary Plat has been reviewed and approved by the Planning Commission on \_\_\_\_/ \_\_ /\_\_\_\_."
  - c. "Each residential building lot has a minimum contiguous area that is free and clear of zoning setbacks, watershed protection buffers and setbacks, jurisdictional wetlands, and easements of any kind." Indicate the contiguous area (in acres) on each individual lot or in a legend."

d. **WETLAND DELINEATION**

I, \_\_\_\_\_ of \_\_\_\_\_  
name organization

do hereby certify that I have field inspected the property known as  
\_\_\_\_\_ on \_\_\_\_\_ and determined that the property  
subdivision name date

☐ contains ☐ does not contain jurisdictional wetlands as defined by the U.S. Army Corps of Engineers.

\_\_\_\_\_  
Signature of Wetland Delineator

\_\_\_\_\_  
Company Address & Telephone

e. **SOIL CLASSIFICATION DELINEATION**

I, \_\_\_\_\_ do hereby certify that the Level III soil  
name  
survey information provided on this plat was performed by \_\_\_\_\_ in  
company name  
accordance with the procedures specified in the Georgia Department of Human Resources' current *Manual for On-Site Sewage Management Systems*.

\_\_\_\_\_  
Signature of Soil Classifier

\_\_\_\_\_  
Georgia DHR Soil Classifier, Professional  
Geologist, or Professional Engineer  
Registration No.  
Registration Numbers/License Numbers

\_\_\_\_\_  
Company Address & Telephone

38. **Completeness.** If any of the above facts are omitted or misrepresented on the plat, the Zoning Administrator may refuse to review the plat and shall return the plat to the Subdivider to be completed or revised.

- (b) **The Final Plat.** The Final Plat shall contain all of the following requirements and certification statements and any additional information required to address any State and/or Federal requirements (see Final Plat Checklist under Forms at [www.fayettecountyga.gov](http://www.fayettecountyga.gov)).

**Sheet Design.** The Final Plat and/or a revision to a recorded Final Plat shall conform in general with the Preliminary Plat and shall be drawn in permanent ink on one (1) or more sheets of reproducible plastic measuring 17 inches by 22 inches. When two (2) or more sheets are used, a key map shall be shown with each sheet.

The following shall be indicated on the Final Plat:

1. The title block shall state: “Final Plat of .....” A revision to a Final Plat must state “Revised Final Plat of .....”; purpose and date of revision and date of revision; and date, plat book, and page number of the previously recorded Final Plat.
2. The title block shall show the name of the proposed subdivision, County, State, land lot(s), and district(s).
3. Name, address, telephone number, fax number of the engineer, surveyor, and/or landscape architect including seal, signature, and Georgia registration number.
4. Name, address, telephone number, fax number of the owner and/or developer.
5. Indicate date of plat preparation; provide scale of drawing (not to exceed 1 in. = 100 feet, stated and shown graphically. The Zoning Administrator may approve a different scale.
6. Provide legend of all abbreviations.
7. Provide an index of sheets if more than one (1) sheet is provided.
8. Provide a north arrow (to state plane grid north) and vicinity map of such a scale that the subdivision may be readily located and identified within the County.
9. Show all land lot lines; land district lines; and city and/or county boundaries intersecting or adjacent to the subject property.
10. Show property lines with bearings and distances of the subject property. Provide a matching Warranty Deed and legal description of property (if applicable.)
11. Provide zoning district and property owner(s) name and/or subdivision name of all adjacent properties.
12. Show location, purpose, width and/or dimensions of any easement of record and/or easements within the subdivision. Provide a note if there are no recorded easements found associated with the property.
13. Within the general notes, indicate the zoning district; minimum lot size; front, side, and rear setbacks; minimum floor area; minimum lot width at the building line; total acreage of subject property; and total number of lots.
14. Provide rezoning information, including petition number, date of approval, and exact wording of any rezoning conditions (if applicable); and any approved variances including petition number and date of approval (if applicable.)
15. Provide information regarding the Preliminary Plat, including date of approval by the Planning Commission and exact wording of any related conditions of approval.

16. All applicable zoning regulations shall be indicated on the Final Plat. Show front, side, and rear setback lines as dashed lines. Indicate minimum lot width at the front building line.
17. Provide the area of each lot and the contiguous area (if applicable, see Section 8-505.) to the 1/100<sup>th</sup> acre; label the lot numbers; label street addresses; show the bearings and distances of all lot lines; and identify the parent tract, if applicable.
18. Indicate how lots will be served by water and sewage disposal. Indicate the location of fire hydrants (if applicable.) If County water is not available, indicate how subdivision will be served (i.e., individual well/septic tank.)
19. Indicate all existing structures and buildings and label as “to remain” or “to be removed”. Structures and buildings that will remain must be shown on individual lots and meet all applicable zoning requirements. Also indicate any improvements such as existing railroads, sewers, bridges, culverts, drain pipes, water mains, water wells, parks, public open spaces, etc. Provide a note if there are no existing structures, buildings, or improvements on the subject property.
20. Indicate the location of a cemetery (if applicable, see Fayette County Code, Chapter 12, Article VII. Cemeteries, Burial Grounds, Human Remains, and Burial Objects.)
21. The plat shall show all parcels of land to be dedicated to any Local, State, or Federal governmental agency for public purpose (i.e. – public parks, fire stations, public schools, etc.)
22. Indicate the boundaries and area to 1/100<sup>th</sup> acre for any common areas including signage. Label as “Common Area – Not a Building Lot” or “Signage.”
23. Indicate the boundaries and area for any Developed Residential Recreational/Amenity Areas. Label recreation areas “Not a Residential Building Lot, For Recreational Purposes Only.”
24. Show all existing streets on and/or adjacent to property. Label right-of-way widths. Label street names. Provide right-of-way dedication, as needed.
25. Georgia Plat Act – Show the direction and distance from a point of reference to a point on the boundary of the survey. The point of reference shall be an established, monumented position that can be identified or relocated from maps, plats, and other documents on public record.
26. Georgia Plat Act – State the type of equipment used to obtain the linear and angular measurements used in preparation of the plat.
27. Surveying – Provide line and curve data for all right-of-way, parcel/lot boundaries, and easements. Line data shall include bearing and length. Curve data shall include the arc length, radius, chord length, and chord bearing.



28. Surveying – Street centerline curve data shall include the deflection angle (delta), radius, length, and tangent.
29. Surveying –The Final Plat shall contain the location, bearing, and length of every street line, lot line, boundary line, and easement line, whether curved or straight. All dimensions shall be shown in feet and decimals to the nearest one-hundredth (1/100th) of a foot, and all angles shall be shown to the nearest second. The error of closure shall require accuracy of at least one (1) in 10,000.
30. Corner Lots – Fillet (20-foot radius) or chamfer corner property lines at street intersections.
31. Street Length – Indicate the length of each street in the subdivision.
32. Indicate any proposed golf cart, bicycle, or pedestrian circulation systems, including sidewalks, crosswalks, multi-use paths, etc.
33. Delineate and label all stormwater easements as required in Article VIII. of the Development Regulations.
34. Delineate and label all state waters requiring watershed protection buffers and setbacks within the subdivision. Delineate and label all state waters adjacent to the subdivision where any watershed buffers and/or setbacks extend into the subdivision property. Provide a note if there are no state waters requiring a buffer. Label as “Watershed Protection Buffer,” and “Watershed Protection Setback.”
35. Delineate and label all base flood elevations, both natural and man-made. Reference the source(s) of any flood hazard data shown on the Final Plat.
36. Establish a minimum finished floor elevation (MFFE) as required in the Floodplain Management Ordinance.
37. Delineate all jurisdictional wetlands. Identify the source of the wetland delineation.
38. Identify and label all stormwater management control structures (inlets, pipes, headwalls, BMPs, etc.) within the project. The nomenclature should match that used for the project’s Inspection and Maintenance Agreement for Stormwater Management Controls. Stormwater controls shall be on common property.
39. Delineate any groundwater recharge areas as required in the Groundwater Area Protection Ordinance. Provide a note if there is no groundwater recharge areas on the property.
40. The Final Plat shall show the accurate location, material, and description of all monuments. A permanent master bench mark shall be established within the site. The monuments shall be an iron rod or pipe of not less than one half inch in diameter and not less than 18 inches long and driven to a minimum depth of 12 inches.

50. Statements and/or Certificates. Provide the following statements and/or certificates, if applicable:

- a. “Each residential building lot has a minimum contiguous area that is free and clear of zoning setbacks, watershed protection buffers and setbacks, jurisdictional wetlands, and easements of any kind.” Indicate the contiguous area on each individual lot or in a legend.
- b. Georgia Plat Act – Show the closure precision of the field survey. “The field data upon which this map or plat is based has a closure precision of one (1) foot in \_\_\_\_\_ feet, and an angular error of \_\_\_\_\_ per angle point, and was adjusted using \_\_\_\_\_ rule.”
- c. Georgia Plat Act – Show the closure precision of the data shown on the plat. “This map or plat has been calculated for closure and is found to be accurate within one (1) foot in \_\_\_\_\_ feet.”
- d. “Fayette County does not accept the ownership, maintenance or responsibility for any drainage easement or overall drainage plan, or the lack of one, indicated by this plat.”
- e. “As per Flood Insurance Rate Map Number \_\_\_\_\_ dated \_\_\_\_/\_\_\_\_/\_\_\_\_, this site (does or does not) lie within a flood hazard zone.”

f. **STORMWATER MANAGEMENT INSPECTION AND MAINTENANCE**

The property conveyed herein is subject to the restrictive covenants of the Homeowners Association and an Inspection and Maintenance Agreement for Stormwater Management Controls recorded in Deed Book \_\_\_\_\_, Page \_\_\_\_\_. Failure to satisfy the inspection and maintenance requirements of the above-referenced agreement may result in enforcement action by the County, including but not limited to, judgment liens against the property owners and/or Homeowners Association. The inspection and maintenance agreement is recorded with the Clerk of Courts. A copy of the agreement is available at the Fayette County Stormwater Management Department.

g. **WETLANDS**

Wetlands shown on this plat are under the jurisdiction of the U.S. Army Corps of Engineers. Property owners may be subject to penalty by law for disturbance to these wetland areas without proper authorization.

h. **OWNER’S CERTIFICATE**

We, the undersigned owner(s) of the \_\_\_\_\_ Subdivision, hereby dedicate the rights-of-way for public use, and/ or reserve for public use the easements and other ground shown on this plat.

We, the undersigned owner(s), understand this Final Plat and any Maintenance Bond and/or Irrevocable Letter-of-Credit shall expire and thus become void if the Final Plat is not recorded into the Fayette County Clerk of Superior Court records within 90 calendar days (\_\_\_\_/\_\_\_\_/\_\_\_\_) of the date of approval by the Planning Commission.

\_\_\_\_\_  
Owner Date

\_\_\_\_\_  
Owner Date

i. **SURVEYOR'S CERTIFICATE**

I hereby certify that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments and infrastructure shown hereon actually exist or are marked as "future"; and their location, size, type and material are correctly shown.

By: \_\_\_\_\_  
GA Registered Land Surveyor Date  
Signature and Registration/License Number

j. **ENGINEER'S CERTIFICATE**

I hereby certify that accepted engineering practices and design methods were used to establish the layout of this development; that the streets, drainage structures and other design features have been constructed according to the development's approved Construction Plans; and that all applicable requirements of Fayette County's Development Regulations and Subdivision Regulations have been fully complied with.

By: \_\_\_\_\_  
GA Professional Engineer – Date  
Signature and Registration/License Number

k. **WETLAND DELINEATOR'S CERTIFICATE**

I, \_\_\_\_\_ of \_\_\_\_\_  
Name Organization

do hereby certify that I have field inspected the property known as

\_\_\_\_\_ on \_\_\_\_\_ and determined that the property  
Subdivision Name Date

☐ contains ☐ does not contain jurisdictional wetlands as defined by the U.S. Army Corps of Engineers.

\_\_\_\_\_  
Signature of Wetland Delineator

\_\_\_\_\_  
Company Address & Telephone

l. **LEVEL III SOIL SURVEY**

I, \_\_\_\_\_ do hereby certify that the Level III Soil  
Name

Survey information provided on the Soil Map was performed by  
\_\_\_\_\_ in accordance with the procedures specified in  
Company Name

the Georgia Department of Human Resources' current *Manual for On-Site Sewage Management Systems*.

\_\_\_\_\_  
Signature of Soil Classifier

\_\_\_\_\_  
Georgia DHR Soil Classifier, Professional  
Geologist, or Professional Engineer  
Registration No.  
Registration Numbers/License Numbers

\_\_\_\_\_  
Company Address & Telephone

m. **PRELIMINARY PLAT CERTIFICATE**

I hereby certify that all the applicable requirements of the Fayette County Subdivision Regulations relative to the preparation and submission of a preliminary plat have been fully complied with.

\_\_\_\_\_  
GA Registered Land Surveyor/Professional Engineer/  
Landscape Architect - Signature and  
Registration/License Number

\_\_\_\_\_  
Date

n. **APPROVALS.**

The following spaces shall be provided on the Final Plat in the form listed below for approval by all agencies having jurisdiction:

Approved by Fayette County Environmental Health Department.

Date \_\_\_\_\_ Signed \_\_\_\_\_  
Environmental Health Specialist

Approved by Fayette County Stormwater Management Department.

Date \_\_\_\_\_ Signed \_\_\_\_\_  
Stormwater Management Director

Approved by the Fayette County Engineer.

Date \_\_\_\_\_ Signed \_\_\_\_\_  
County Engineer

Approved by the Fayette County Planning Commission on: \_\_\_\_\_

Date \_\_\_\_\_ Signed \_\_\_\_\_  
Secretary

Approved by the Fayette County Zoning Administrator.

Date \_\_\_\_\_ Signed \_\_\_\_\_  
Zoning Administrator

Approved by Fayette County Fire Marshal. All fire hydrant(s) located as shown.

Date \_\_\_\_\_ Signed \_\_\_\_\_  
Fire Marshal

o. **Dedication of Right-of-Way.** Each approved Final Plat shall include thereon the following statement(s), as applicable:

- (1) All that property contained within the right-of-way of (insert name of new street[s] within the subdivision), said roads having at least a minimum of (fill in) foot right-of-way as indicated hereon, are hereby deeded to Fayette County, a political subdivision of the State of Georgia, at no cost to Fayette County, upon recordation of said Final Plat into the Fayette County Clerk of Superior Court records.

- (2) All that property contained within the required right-of-way of (insert name of existing street) having a minimum required (fill in) foot right-of-way. (fill in) feet shall be dedicated to create a minimum (fill in) foot right-of-way as measured from the centerline. Said right-of-way shall be indicated hereon and are hereby deeded to Fayette County, a political subdivision of the State of Georgia, at no cost to Fayette County, upon recordation of said Final Plat into the Fayette County Clerk of Superior Court records.

p. **Submittals.** The following submittals and checks shall be satisfied prior to Final Plat approval, as applicable.

- (1) Core Sample Report (Development Regulations – Article III.)
- (2) Soil Density Tests (Development Regulations – Article III.)
- (3) Utilities–power, gas, and water installed (Development Regulations, Article III.)
- (4) Stormwater Management Plan (Development Regulations, Article XIII.)
- (5) Stormwater Operations and Management Plan (Development Regulations, Article XIV.)
- (6) Storm Sewer Installation Report (Development Regulations, Article III.)
- (7) Stormwater Management Inspection and Maintenance Agreement (Development Regulations, Article XIII.)
- (8) Stormwater As-Built Plan (Development Regulations, Article XIV.)
- (9) Performance Bond/Irrevocable Letter-of-Credit (Subdivision Regulations – Section 8-508.) Amount \$-  
\_\_\_\_\_
- (10) Maintenance Bond/Irrevocable Letter-of-Credit (Subdivision Regulations – Section 8-508.) Amount \$-  
\_\_\_\_\_
- (11) Engineering Department Final Inspection. (Call Department to schedule.)
- (12) Submit a Soil Map indicating the classification of soils in the areas of the property proposed for the placement

of on-site sewage management systems. The soil classification work shall be done following the procedures for Level III soil surveys established in the Georgia Department of Human Resources' current *Manual for On-Site Sewage Management Systems*. The requirements for a Soil Classifier are located in said manual.

q. **Other Considerations.**

- (1) An application may be submitted to the Planning and Zoning Department for the Board of Commissioners authorization of motorized cart use in the subdivision after recordation of the Final Plat (see Fayette County Code, Chapter 10. Motor Vehicles and Traffic and the home page [www.fayettecountyga.gov](http://www.fayettecountyga.gov) for application.)
- (2) A petition may be submitted to the Stormwater Management Department for the Board of Commissioners authorization for the subdivision to become a street light district after recordation of the Final Plat (see Fayette County Code, Chapter 16. Street Lights.)

- (c) **The Minor Subdivision Plat.** The Minor Subdivision Plat shall contain all of the following requirements and certification statements and any additional information required to address any State and/or Federal requirements (see Minor Subdivision Plat Checklist under Forms at [www.fayettecountyga.gov](http://www.fayettecountyga.gov)).

**Sheet Design.** The Minor Subdivision Plat and/or a revision to a recorded Minor Subdivision Plat shall be drawn in permanent ink on one (1) or more sheets of paper vellum or mylar measuring 17 inches by 22 inches. When two (2) or more sheets are used, a key map shall be shown with each sheet.

The following shall be indicated on the Minor Subdivision Plat:

1. The title block shall state: "Minor Subdivision Plat of ....." A revision to a Minor Subdivision Plat must state "Revised Minor Subdivision Plat of \_\_\_\_\_:" purpose and date of revision; and date, plat book, and page number of the previously recorded Minor Subdivision Plat.
2. The title block shall show the name of the proposed subdivision, County, State, land lot(s), and district(s).
3. Name, address, telephone number, fax number of the engineer, surveyor, and/or landscape architect including seal, signature, and Georgia registration number.
4. Name, address, telephone number, fax number of the owner and/or developer.

5. Indicate date of plat preparation; provide scale of drawing (not to exceed 1 in. = 200 ft.), stated and shown graphically. The Zoning Administrator may approve a different scale.
6. Provide legend of all abbreviations.
7. Provide an index of sheets if more than one (1) sheet is provided.
8. Provide a north arrow (to state plane grid north) and vicinity map of such a scale that the subdivision may be readily located and identified within the County.
9. Show all land lot lines; land district lines; and city and/or county boundaries intersecting or adjacent to the subject property.
10. Show property lines with bearings and distances of the subject property. Provide a matching Warranty Deed and legal description of property (if applicable.)
11. Provide zoning district and property owner(s) name and/or subdivision name of all adjacent properties.
12. Show location, purpose, width and/or dimensions of any easement of record and/or easements within the subdivision. Provide a note if there are no recorded easements found associated with the property.
13. Within the general notes, indicate the zoning district; minimum lot size; front, side, and rear setbacks; minimum floor area; minimum lot width at the building line; total acreage of subject property; and total number of lots.
14. Provide rezoning information, including petition number, date of approval, and exact wording of any rezoning conditions (if applicable); and any approved variances including petition number and date of approval (if applicable.)
15. All applicable zoning regulations shall be indicated on the Minor Subdivision Plat. Show front, side, and rear setback lines as dashed lines. Indicate minimum lot width at the front building line on each individual lot or in a legend.
16. Provide the area of each lot and the contiguous area (if applicable, see Section 8-505.) to the 1/100<sup>th</sup> acre; label the lot numbers; label street addresses; show the bearings and distances of all lot lines; and identify the parent tract, if applicable.
17. Indicate how lots will be served by water and sewage disposal. If County water is not available, indicate how subdivision will be served (i.e., individual well/septic tank.)
18. Indicate all existing structures and buildings and label as “to remain” or “to be removed”. Structures and buildings that will remain must be shown on individual lots and meet all applicable zoning requirements in terms of any new property lines. Also indicate any improvements such as existing railroads, sewers, bridges, culverts, drain pipes, water mains, water wells, parks, public open spaces, etc. Provide a note if there are no existing structures, buildings, or improvements on the subject property.



19. Indicate the location of a cemetery (if applicable, see Fayette County Code, Chapter 12., Article VII. Cemeteries, Burial Grounds, Human Remains, and Burial Objects.)
20. The plat shall show all parcels of land purposed to be dedicated to any Local, State, or Federal governmental agency for public purpose (i.e. – public parks, fire stations, public schools, etc.)
21. Indicate the boundaries and area to 1/100<sup>th</sup> acre for any proposed common areas including signage. Label as “Common Area – Not a Building Lot” or “Signage.”
22. Show all existing streets adjacent to subject property. Label street names and right-of-way widths. Provide right-of-way dedication, as needed.
23. Georgia Plat Act – Show the direction and distance from a point of reference to a point on the boundary of the survey. The point of reference shall be an established, monumented position which can be identified or relocated from maps, plats, and other documents on public record.
24. Georgia Plat Act – State the type of equipment used to obtain the linear and angular measurements used in preparation of the plat.
25. Surveying – Provide line and curve data for all right-of-way, parcel/lot boundaries, and easements. Line data shall include bearing and length. Curve data shall include the arc length, radius, chord length, and chord bearing.
26. Corner Lots – Fillet (20-ft. radius) or chamfer corner property lines at street intersections.
27. Delineate and label all state waters requiring watershed protection buffers and setbacks within the subdivision. Delineate and label all state waters adjacent to the subdivision where any watershed buffers and/or setbacks extend into the subdivision property. Provide a note if there are no state waters requiring a buffer. Label as “Watershed Protection Buffer,” and “Watershed Protection Setback.”
28. Delineate and label all base flood elevations both natural and man-made. Reference the source(s) of any flood hazard data shown on the Minor Subdivision Plat.
29. Establish a minimum finish floor elevation (MFFE) as required in the Floodplain Management Ordinance.
30. Delineate all jurisdictional wetlands per the National Wetlands Inventory. A more detailed study may be required by the Stormwater Management Director dependent on field conditions. Provide a note if the inventory indicates there are no wetlands present.

31. Delineate any groundwater recharge areas as required in the Groundwater Area Protection Ordinance. Provide a note if there is no groundwater recharge areas on the property.
32. Indicate the classification of soils in the areas of the property proposed for the placement of on-site sewage management systems. The soil classification work shall be done following the procedures for Level III soil surveys established in the Georgia Department of Human Resources' current Manual for On-Site Sewage Management Systems. The requirements for a Soil Classifier are located in said manual.
33. The Minor Subdivision Plat shall show the accurate location, material, and description of all monuments. The subdivider shall provide and set iron monuments at all property corners. The monuments shall be an iron rod or pipe of not less than one half inch in diameter and not less than 18 inches long and driven to a minimum depth of 12 inches.
34. Statements and/or Certificates. Provide the following statements and/or certificates, if applicable:
  - a. "Each residential building lot has a minimum contiguous area that is free and clear of zoning setbacks, watershed protection buffers and setbacks, jurisdictional wetlands, and easements of any kind". Indicate the contiguous area (in acres) on each individual lot or in a legend.
  - b. Georgia Plat Act – Show the closure precision of the field survey. "The field data upon which this map or plat is based has a closure precision of one (1) ft. in \_\_\_\_\_ ft., and an angular error of \_\_\_\_\_ per angle point, and was adjusted using \_\_\_\_\_ rule."
  - c. Georgia Plat Act – Show the closure precision of the data shown on the plat. "This map or plat has been calculated for closure and is found to be accurate within one (1) ft. in \_\_\_\_\_ ft."
  - d. "Fayette County does not accept the ownership, maintenance or responsibility for any drainage easement or overall drainage plan, or the lack of one, indicated by this plat."
  - e. "As per Flood Insurance Rate Map Number \_\_\_\_\_ dated ( / / ) , this site (does or does not) lie within a flood hazard zone."
  - f. **WETLANDS**

Wetlands shown on this plat are under the jurisdiction of the U.S. Army Corps of Engineers. Property owners may be subject to penalty by law for disturbance to these wetland areas without proper authorization.

g. **OWNER'S CERTIFICATE**

We, the undersigned owner(s) of the \_\_\_\_\_

Subdivision, hereby dedicate the rights-of-way for public use, and/or reserve for public use the easements and other ground shown on this plat.

We the undersigned owner(s) understand this Minor Subdivision Plat and any Maintenance Bond and/or Irrevocable Letter-of-Credit shall expire and thus become void if the Minor Subdivision Plat is not recorded into the Fayette County Clerk of Superior Court records within 90 calendar days (\_\_\_/\_\_\_/\_\_\_) of the date of approval by the Planning Commission.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

h. **SURVEYOR'S CERTIFICATE**

I hereby certify that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments and infrastructure shown hereon actually exist or are marked as "future"; and their location, size, type and material are correctly shown.

By: \_\_\_\_\_  
GA Registered Land Surveyor –  
Signature and Registration/License Number

\_\_\_\_\_  
Date

i. **ENGINEER'S CERTIFICATE**

I hereby certify that accepted engineering practices and design methods were used to establish the layout of this development; that the streets, drainage structures and other design features have been constructed according to the development's approved Construction Plans; and that all applicable requirements of Fayette County's Development Regulations and Subdivision Regulations have been fully complied with.

By: \_\_\_\_\_  
GA Professional Engineer –  
Signature and Registration/License Number

\_\_\_\_\_  
Date

j. **LEVEL III SOIL SURVEY**

I, \_\_\_\_\_ do hereby certify that the Level III Soil  
Name

Survey information provided on this plat was performed by \_\_\_\_\_  
Company Name

in accordance with the procedures specified in the Georgia Department of Human Resources' current Manual for On-Site Sewage Management Systems.

\_\_\_\_\_  
Signature of Soil Classifier Professional

\_\_\_\_\_  
Georgia DHR Soil Classifier, Professional  
Geologist, or Professional Engineer  
Registration No.  
Registration Numbers/License Numbers

\_\_\_\_\_  
Company Address & Telephone

- k. **Approvals.** The following spaces shall be provided on the Minor Subdivision Plat in the form listed below for approval by all agencies having jurisdiction:

Approved by Fayette County Environmental Health Department

Date \_\_\_\_\_ Signed \_\_\_\_\_  
Environmental Health Specialist

Approved by Fayette County Stormwater Management Department

Date \_\_\_\_\_ Signed \_\_\_\_\_  
Stormwater Management

Approved by the Fayette County Engineer

Date \_\_\_\_\_ Signed \_\_\_\_\_  
County Engineer

Approved by the Fayette County Planning Commission on: \_\_\_\_/\_\_\_\_/\_\_\_\_

Date \_\_\_\_\_ Signed \_\_\_\_\_  
Secretary

Approved by the Fayette County Zoning Administrator.

Date \_\_\_\_\_ Signed \_\_\_\_\_  
Zoning Administrator

- l. **Dedication of Right-of-Way.** Each approved Minor Subdivision Plat shall include thereon the following statement(s), as applicable:

All that property contained within the required right-of-way of (insert name of existing street) having a minimum required (fill in) foot right-of-way. (fill in) feet shall be dedicated to create a minimum (fill in) foot right-of-way as measured from the centerline. Said right-of-way shall be indicated hereon and are hereby deeded to Fayette County, a

political subdivision of the State of Georgia, at no costs to Fayette County, upon recordation of said Final Plat into the Fayette County Clerk of Superior Court records.

**Sec. 8-505. Minimum Standards.**

The following design standards are in addition to applicable Federal, State, and Local Ordinances, including, but not limited to: the Fayette County Zoning Ordinance, the Fayette County Development Regulations, and Fayette County Sign Ordinance.

- (a) **Subdivision Access.** Where the subdivision does not immediately access an existing public street (County or State owned and/or maintained), the Subdivider shall provide access via a new public street or private street which complies with the minimum County standards to an existing public street. Any upgrades to existing public streets to provide adequate access to the subdivision shall be the responsibility of the Subdivider. The County Engineer or Public Works Director shall determine if any necessary up grades to the existing public streets are required prior to approving construction of the subdivision.
- (b) **Easements.** All easements shall be shown on the Final Plat or Minor Subdivision Plat and meet the following standards where applicable.
  - 1. Where possible, water lines shall be located outside the curb line on the west and south sides of streets; sewer and gas lines shall be on the east and north sides;
  - 2. Water and sewer lines outside of street rights-of-way shall follow side and rear property lines where possible and shall have a minimum easement width of 20 feet. The Water System may require a greater width if determined necessary for maintenance or construction;
  - 3. Wherever public utility easements are planned adjacent to the subdivision tract boundary or phase, they shall be platted within said subdivision or phase thereof; and
  - 4. Drainage easements shall be provided as required in Article VIII. of the Development Regulations.
- (c) **Contiguous Areas for Residential Development.** Each residential building lot shall have a minimum contiguous area that is free and clear of zoning setbacks, watershed protection buffers and setbacks, jurisdictional wetlands, and easements of any kind. The required minimum contiguous areas, set forth below, are a function of zoning requirements and minimum lot sizes.

Zoning District	Minimum Contiguous Area Free & Clear (ac)
A-R	2.0
EST	1.3
R-85, R-80	1.5
R-78, R-75, R-72, R-70	0.9
R-55, R-50, R-45, R-40, R-20, DR-15, C-S	0.6 <sup>1</sup>
R-55, R-50, R-45, R-40, R-20, DR-15, C-S	0.3 <sup>2</sup>

<sup>1</sup> Where public water is not available (lots have individual wells)

<sup>2</sup> Where public water is available

(Added 3/23/2006)

- (d) **Corporate Limits.** Any lot divided by corporate limits (city or county) shall meet fully the requirements of Fayette County on the portion of the lot that is within unincorporated Fayette County for the purposes of a building permit. All corporate limits dividing a lot will be viewed in the same manner as a property line.

(e) **Street Layout and Design**

1. **Subdivision Entrances and Street Length.** No street or portion of a street may provide access to more than 75 lots unless 1) a second means of access to the lots is provided by another street; or 2) a two-way divided road is used at the entrance and extended to all points within the subdivision until the number of lots being served is 75 or less. Amenity and common areas (e.g., green space) are excluded from the 75-lot limit. Of the two (2) options, use of a second means of access is preferred and shall be provided unless it is determined not feasible by the County Engineer due to the lack of adequate road frontage, limited sight distance, or significant environmental constraints.
2. Any two-way divided entrance/road shall have a minimum 80-foot right-of-way, two (2) 16-foot travel lanes, curb and gutter, and an 18-foot wide landscape island. Additional specifications for the divided entrance may be found in the Development Regulations.
3. **Corner Lots.** Corner property lines at street intersections shall have chamfer corners with minimum chamfer distances of 20 feet in each direction (chamfering means to connect two [2], non-parallel property lines with a third beveled line.) The purpose of the chamfer is to allow sufficient room within the right-of-way for utility placement and maintenance.
4. **Curb Radius.** The curb radius at street intersections within subdivisions shall be no less than 25 feet. Curb radius requirements for intersections with collectors or arterial streets are dictated by the Fayette County Development Regulations and/or the Georgia Department of Transportation.
5. **Dead-End Streets, Half-Street and Alleys.** Dead-end streets, half-streets and alleys are prohibited. Temporary dead-end streets resulting from phased developments shall be constructed with a temporary turn-around.
6. **Elbows.** Elbows (i.e., a circular bump-out of the paved road) may be used in lieu of a horizontal curve for road alignment when the centerline tangents have an intersection angle between 90 and 120 degrees. The “elbow” portion of the intersection shall be designed with a paved radius of 42 feet (to back-of-curb) and a 60-foot right-of-way radius. Elbows are not considered cul-de-sacs with respect to required road frontage for subdivision lots.
7. **Intersections.** The center lines of no more than two (2) streets shall intersect at any one (1) point. Streets shall intersect as nearly as possible at right angles and no intersection shall have an angle of less than 80 degrees. A tangent section no less than 50-feet long shall be placed between a centerline curve and the nearest right-of-way line of the street with which it intersects.
8. **Stub Street.** Where it is necessary to provide a street for future connection to an adjacent property, such street shall be constructed in conjunction with the

subdivision up to the property line creating a Stub Street. Said Stub Street shall be indicated on the Preliminary Plat and Final Plat and labeled "Temporary Stub Street." Connecting Stub Streets shall maintain the same name and be terminated with a temporary turn-around as necessary.

- (f) **Subdivision Names.** A proposed subdivision name shall not duplicate the name of another subdivision unless such property is contiguous to the subdivision bearing the proposed name and with the same or more restrictive zoning, and covenants and restrictions as the subdivision previously bearing such name.

In addition to meeting the above criteria, the sharing of a subdivision name must be approved by the Planning Commission. Whenever a new subdivision is permitted by the Planning Commission to share the name of a previously approved subdivision, such name shall be followed by the appropriate Roman Numerals (e.g., II). Any subsequent subdivisions approved by the Planning Commission under these provisions shall be numbered in sequence with Roman Numerals.

- (g) **Additional Right-of-Way.** If the subdivision boundary lies adjacent to the right-of-way line of an existing public street of less than minimum needed right-of-way width, as determined by the County Thoroughfare Plan, a minimum of one-half the required extra width shall be dedicated, at no cost, to the County by the Subdivider.
- (h) **Provisions for Public Use.** In subdividing land, due consideration shall be given to suitable sites for schools, parks, playgrounds, and other common areas for public use. Such land shall be located in accordance with the Comprehensive Plan. The acquisition of such land shall rest with the proper authority.

#### **Sec. 8-506. Minimum requirements.**

- (a) **General.** The Subdivider shall provide public improvements as required by all applicable County regulations, specifications, and requirements.
- (b) **Curbs and Gutter.** The Subdivider shall install curb and gutter and proper drainage as required by County specifications.
- (c) **Monuments.** The subdivider shall provide and set iron monuments at all property corners. The monuments shall be an iron rod or pipe of not less than one half inch in diameter and not less than 18-inches long and driven to a minimum depth of 12 inches.
- (d) **Water Supply and Sanitary Sewerage.** Every lot within a proposed subdivision shall have an approved supply of adequate water and an approved sewage disposal system, as determined by the Fayette County Water System and the Environmental Health County Manager.
- (e) Where public water facilities are available within the distance specified below, the Subdivider shall assure that every lot of the subdivision shall be provided with public water.

<b><u>NUMBER OF LOTS</u></b>	<b><u>MINIMUM DISTANCE FROM WATER LINE*</u></b>
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6 or more	2,500 feet
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For each additional lot after six (6), an additional 150 feet shall be added per lot to the minimum distance from a water line requiring connection thereto.

\*Measured along public right-of-way to closest point on property.

Cost differentials based on line sizes and fire hydrants needed to serve a subdivision versus that needed as part of the overall system will be determined by the Water System. (Ordinance No. 2000-14)

- (f) Standard fire hydrants will be provided at the spacing specified by the Fayette County Code per Chapter 9. Fire Prevention and Protection. Design standards shall be as specified by the American Water Works Association.
- (g) **Sanitary Sewer.** When a public sewage disposal system is not available, the Fayette County Environmental Health Department shall review the Preliminary and Final Plat of a subdivision to determine the feasibility for individual on-site sewage disposal systems. After approval of the Final Plat or Minor Subdivision Plat of the subdivision, on-site sewage disposal system permit applications must be submitted to the Fayette County Environmental Health Department for each individual lot for review and approval.

If the lots of a subdivision are to be served by individual subsurface wells, the on-site sewage disposal permit application must indicate the location of the well and on-site sewage disposal system. The subsurface well must be setback at least 100 feet from any on-site sewage disposal system and drainfields.

- (h) **Stormwater Drainage.** The Subdivider shall provide adequate stormwater drainage in accordance with all applicable County regulations and specifications.
- (i) **Grassing And Erosion Control.** Proper erosion control measures must be in place throughout the entire phase of construction and must also be in place prior to Final Plat approval. Permanent grass must also be established on all disturbed areas prior to Final Plat approval. However, proper temporary erosion control measures and performance bonds can be substituted for a permanent stand of grass during the Final Plat Inspection.
- (j) Building permits may be issued for a phase of a subdivision prior to the completion of the improvements in the entire subdivision, provided that the applicable departments approves the improvements in said phase and it is determined that the lots to be built upon are completely served by the improvements in the completed phase as if it were a separate subdivision.
- (k) **Utilities.** The Subdivider shall provide all applicable utilities to the subdivision in accordance with all applicable County requirements. The utilities shall be located as specified by the Development Regulations. Power and water utilities must be installed, if available in the area, prior to Final Plat approval. All of the minimum improvements listed in this section of the ordinance must be completed and inspected prior to Final Plat approval with the exceptions of the installation of utilities in non-residential subdivisions.

**Sec. 8-507. Provisions for recording of final plats prior to completion of minimum improvements.**



- (a) **Performance Bond or Irrevocable Letter-of-Credit.** The following improvements shall be made after the recordation of a Final Plat if a Performance Bond or Irrevocable Letter-of-Credit is provided that meets the standards set hereafter:

1. Paving the top layer (top course) of asphalt on one (1) or more roads within the subdivision; and/or
2. Meeting permanent stabilization requirements within the proposed right-of-way.

Other than those items listed above, all minimum improvements within the subdivision shall be completed and accepted in accordance with the approved Construction Plans, the Fayette County Development Regulations, and the Subdivision Regulations prior to the recordation of a Final Plat. Acceptance shall be determined by the County Engineer, the Director of Utilities, and the Stormwater Management Director based on a field inspection of the project and/or review of required submittals.

Work to be completed after the recordation of a Final Plat shall be guaranteed by either a Performance Bond or an Irrevocable Letter-of-Credit and the document(s) shall be filed with the County Engineer prior to his/her signature on the Final Plat.

- (b) **Criteria for Performance Bonds or Irrevocable Letter-of-Credit for paving**

The amount of the Bond or Irrevocable Letter-of-Credit needed for paving shall be the sum of material, labor, equipment, and repair estimates, as determined by the County Engineer, using the following guidelines:

1. Material costs = 150% of current cost estimate for tack and asphalt;
2. Labor and equipment = 20% of material costs; and
3. Repairs to binder and base = 20% of material cost.

Additional costs shall be included for unusual circumstances.

Performance Bonds/Irrevocable Letters-of-Credit for paving shall be considered only if coring of the asphalt binder and base, as required by the Development Regulations, demonstrate the work was completed per the approved Construction Plans and County standards.

Paving work shall be completed within two (2) years of recording the Final Plat unless an extension is provided by the County Engineer.

The Bonds/Irrevocable Letters-of-Credit shall not be released until all repairs and paving work are done in accordance with the approved Construction Plans and the work is accepted by the County Engineer.

- (c) **Criteria for Performance Bonds for Permanent Stabilization**

The amount of the Performance Bond or Irrevocable Letter-of-Credit needed for permanent stabilization shall be the sum of material, labor, equipment, and repair estimates, as determined by the Stormwater Management Department. At a minimum, the cost estimate shall include all Best Management Practices required to bring the

project into compliance with the approved Soil Erosion and Sediment Control Plan. Additional costs may be included for unusual circumstances.

Performance Bonds/Irrevocable Letters-of-Credit for stabilization will be considered only if the Stormwater Management Director determines that current weather patterns and the season make permanent stabilization infeasible at this time.

Stabilization work shall be completed within one (1) year of recording the Final Plat.

The Performance Bonds/Irrevocable Letters-of-Credit shall not be released until all areas of concern are stabilized in accordance with the approved Construction Plans and the work is accepted by the Stormwater Management Director.

(d) **Conditions Thereof.**

1. Performance Bonds or Irrevocable Letters-of-Credit delivered for the purpose of guaranteeing construction of minimum improvements pursuant to Section 8-507. shall be accepted by the County Engineer provided that the Subdivider, his heirs, successors and assigns, and their agents and servants will comply with all applicable terms, conditions, provisions, and requirements of these regulations, will faithfully perform and complete the work of constructing and installing said facilities or improvements in accordance with these regulations. The Subdivider will save the County from any unnecessary expense incurred through the failure of the Subdivider, his heirs, successors or assigns, or their agents or servants, to complete the work of said construction and installation as required by these regulations, and from any damage growing out of negligence in performing or failing to perform said construction and installation.

Before acceptance of any Performance Bond or Irrevocable Letter-of-Credit for paving, the County Engineer may, at his direction, have the County Attorney review said instrument. A bond shall be executed by a Surety or Guaranty Company qualified to transact business in the State of Georgia. If an Irrevocable Letter-of-Credit is offered, it shall be written by a financial institution licensed to do business in the State of Georgia.

2. **Duration and Release.** Performance Bonds and/or Irrevocable Letters-of-Credit posted pursuant to the regulations shall be released or returned, as the case may be, at such time as the facilities guaranteed thereby have been installed and accepted.
3. **Default.** If the construction or installation of any improvements or facilities for which a bond or Irrevocable Letter-of-Credit is posted is not completed within three (3) months after substantial completion of any building or structures which said improvements of facilities are designed to serve, or if said construction or installations not in accordance with the applicable specifications and requirements, the County may proceed to construct, install, or modify said improvements of facilities in accordance with the applicable specifications and requirements. In either the case of a bond or an Irrevocable Letter-of-Credit, the County shall make whatever claims and/or drafts are necessary in order to obtain the funds necessary to so construct or install said improvements of facilities. The default provisions of Section 8-507. shall not apply when the governing body

acts to permit the Subdivider to remove his subdivision from the land records of Fayette County in accordance with the provisions of these regulations.

**Sec. 8-508. Acceptance and guarantee of completed minimum improvements.**

**Completion.** The following requirements shall be satisfied prior to approval of the Final Plat by the applicable departments.

- (a) **Submittals.** The Subdivider shall provide to Fayette County all applicable submittals as required in the County's Development Regulations. A detailed list of the specific submittals and contact information for the applicable departments responsible for review and approval of each submittal is available from the Fayette County Stormwater Management Department.
- (b) **Final Inspections.** Upon completion of all minimum improvements, the Subdivider shall notify the departments listed on the Final Plat checklist and request a field inspection. The Subdivider is responsible for correcting all deficiencies identified during the final inspections. Improvements shall not be accepted unless they conform to the approved Construction Plans and all applicable Federal, State and Local requirements (see Forms for Final Plat Checklist at [www.fayettecountyga.gov](http://www.fayettecountyga.gov)).
- (c) **Maintenance Bond/Irrevocable Letter-of-Credit.** The Subdivider shall provide to the County Engineer, a Maintenance Bond or an Irrevocable Letter-of-Credit for the purpose of guaranteeing the materials and workmanship of the minimum improvements for a period of two (2) years. For purposes of Bond/ Irrevocable Letter-of-Credit determination, "minimum improvements" includes all materials and work within the proposed right-of-way plus any part of the storm sewer infrastructure serving the subdivision. This includes, but is not limited to: storm pipe, open ditches, headwalls, stormwater management ponds, etc.

The Subdivider shall be responsible for making any needed repairs to the road or other "minimum improvements" as defined above within the two-year bonding period. Notification of needed repairs may be provided by the County to the Subdivider at any time during the bonding period. If the Subdivider does not make the necessary repairs within 90 calendar days of said notification, the County Engineer shall claim funds from the Bond or Irrevocable Letter-of-Credit to adequately reimburse the County for its cost associated with having the repairs made by a contractor or the appropriate County Department.

Regardless of project size, the minimum Maintenance Bond/Irrevocable Letter-of-Credit is \$5,000.00.

If a Final Plat becomes void, as may happen if not recorded into the Fayette County Clerk of Superior Court records within 90 calendar days of approval by the Planning Commission, the existing Maintenance Bond/Irrevocable Letter-of-Credit is also void and a new Maintenance Bond/Irrevocable Letter-of-Credit will be required prior to approval of the new Final Plat.

- (d) **Ownership.** Upon recordation of the Final Plat or Minor Subdivision Plat, subsequent to approval by the Planning Commission, Fayette County shall accept ownership of any street or other real property shown upon the Final Plat or Minor Subdivision Plat.

- (e) Before acceptance of any Maintenance Bond or Irrevocable Letter-of-Credit, the County Engineer may, at his direction, have the County Attorney review said instrument. If a bond is offered, it shall be executed by a Surety or Guaranty Company qualified to transact business in the State of Georgia. If an Irrevocable Letter-of-Credit is offered, it shall be written by a financial institution licensed to do business in the State of Georgia.

**Sec. 8-509. Violations and penalties.**

**Violations.**

- (a) It shall be unlawful to convey or improve property by the construction of buildings on lots of any land subdivision which has not been approved and recorded as provided in these regulations, except those parcels recorded prior to the effective date of these regulations.
- (b) It shall be unlawful to record a subdivision plat, or once recorded, to make any changes, with the exception of Minor Revisions to a Recorded Plat or Minor Subdivision Plat, thereon whatsoever which have not been approved by the Planning Commission in accordance with the provisions of all applicable regulations.
- (c) Each and every day's violation of any provisions of this Ordinance shall constitute a separate offense.
- (d) **Penalties.** Any person or persons, firm or corporation or association of persons who shall knowingly divide and offer for sale any real estate in violation of the terms or provisions of this Ordinance shall, upon conviction therefore in State Court, be punished as provided by the Fayette County Code.

**Sec. 8-510. Legal status.**

- (a) **Amendment.** The Board of Commissioners shall have the authority to amend these regulations after a public hearing thereon. Notice of the time and place of such public hearing shall be published in a newspaper of general circulation in Fayette County at least 15 calendar days prior to such meeting.
- (b) **Variance or Appeal.** In cases of undue hardship under this Ordinance, the property owner may petition the Planning Commission for a Variance or an Appeal from the decision of any of the aforementioned appropriate departments with regard to interpretation, administration, and enforcement. If the Planning Commission does not grant the variance or appeal, the property owner may then appeal to the Board of Commissioners.

**Section 2.** That the preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

**Section 3.** (a) It is hereby declared to be the intention of the Board of Commissioners that all Sections, paragraphs, sentences, clauses and phrases of this Article are and were, upon their enactment, believed by the Board of Commissioners to be fully valid, enforceable and constitutional.

(b.) It is hereby declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, no Section, paragraph, sentence, clause or phrase of this Article is mutually dependent upon any other Section, paragraph, sentence, clause or phrase of this Article.

(c.) In the event that any phrase, clause, sentence, paragraph or section of this Article shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Board of Commissioners that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or Sections of the Article and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and Sections of the Article shall remain valid, constitutional, enforceable, and of full force and effect.

**Section 4.** All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed except those provided for herein.

**Section 5.** The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

It is so ordained this 24<sup>th</sup> day of June, 2010, by the

BOARD OF COMMISSIONERS  
FAYETTE COUNTY, GEORGIA

\_\_\_\_\_  
JACK R. SMITH, CHAIRMAN

ATTEST:

\_\_\_\_\_  
Clerk/Deputy Clerk